

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF <enter County>**

Date:

Judicial Officer:

Deputy Clerk:

In the matter of:

No.

INITIAL GUARDIANSHIP HEARING

Parties Present:

<enter party>

<enter party>

This is the time set for the **INITIAL GUARDIANSHIP HEARING** on a <Motion/Petition> for Permanent Guardianship filed <Date of motion/petition filing>.

Open Proceedings:

- ☐ The Court determines that the proceeding is to remain open to the public and admonishes attendees that they shall not disclose identifying information (which includes posting anything on social media or the internet) about the child, siblings, parents, guardians or caregivers, or other persons identified in the proceeding. The Court explains contempt of court to all attendees and possible consequences of violating a court order.

- ☐ The Court orders that the proceeding be closed based on the following: <enter reason(s) that proceeding should be closed>.

Attorney/GAL Contact with Child Client:

- ☐ Child's right to be heard: the Court determines that the child has been informed of and understands the right to attend their court hearings and speak to the judge.

- ☐ The Court confirms that the <Attorney/GAL> for the child <has/has not> met with his/her client(s) before this hearing. [ARS §8-221\(J\)](#), [Az.R.Juv.Ct.40.1](#)

Documents Reviewed: The Court has received and reviewed the following documents: <Names of specific documents>. The Court determines that the investigation and report ordered by the Court <has/has not> been completed and provided to all parties.

ICWA: The Court finds that, based upon the assertions of the parties, the Indian Child Welfare Act, [25 USC §1901](#) et seq. <does/does not> apply.

Service and Jurisdiction:

The Court determines that service of the motion <enter whether service complete> as to <Applicable parent/guardian>, <enter parent> of <Applicable child>.

- ☐ The Court finds that <enter parent> had notice of the hearing and that the notice advised of the consequences of not appearing at this hearing.
- ☐ The Court finds that <enter parent> <has /have> failed to appear without good cause.
- ☐ The parent, Indian custodian and the tribe have received notice as required by [25 USC 1912\(a\)](#). <If applicable, add that the parent, Indian custodian, and tribe have waived the requirement that proceedings occur after 10 days from receipt of notice.>
- ☐ The State of Arizona, by and through the Arizona Department of Child Safety, is authorized to initiate this proceeding pursuant to [ARS §8-201](#) et seq., [ARS §8-501](#) et seq., and [ARS §8-802](#) et seq.
- ☐ The Court has exclusive original jurisdiction over the subject matter pursuant to [ARS §8-802](#) and venue is appropriate in <enter county> **County** pursuant to [ARS §8-206](#).

Counsel: Appointment of counsel is made/affirmed at this time for the following:

<Applicable counsel>, <enter counsel type>;
<Applicable counsel>, <enter counsel type>;
<Applicable counsel>, <enter counsel type>.

The <enter parent> is to pay <Amount assessed per month> per month for the cost of counsel.

The <enter parent> is to pay <Amount assessed per month> per month for the cost of counsel.

Plea: The <enter parent> enters a plea of <enter plea> to the allegations contained in the <motion/petition>.

- ☐ The Court advises <enter parent> of their rights to: counsel; cross examine witnesses; trial by the Court on the motion/petition; use the process of the Court to compel witness attendance.
- ☐ The Court determines that the <enter parent> understands their rights.
- ☐ The Court advises the <enter parent> of the consequences of their plea of <enter plea>.

- ☐ The Court determines that the plea of <enter plea> made by <enter parent> <was/was not> made knowingly, intelligently and voluntarily.

<IF PRESENT>

- ☐ The Court provides foster parents, shelter care facility, receiving foster home, pre-adoptive placement or a member of the child's extended family with whom the child has been placed and/or identified as a possible placement an opportunity to be heard.

Testimony:

<Any evidence and testimony presented before the Court>

- ☐ The Court takes ICWA testimony pursuant to [Az.R.Juv.Ct.63](#).

Findings and Orders:

- ☐ Because the <enter parent> has denied the allegations of the <motion/petition> filed on <date of motion/petition filing> the **Court sets this matter for MEDIATION** on <Date, time and location of this hearing>; and a **PRETRIAL CONFERENCE on** <Date, time and location of this hearing> before the Honorable <enter Name of Judge/Commissioner/Hearing Officer>.

- ☐ The Court, having considered the <motion/petition> dated <Date filed>, the investigative report filed pursuant to [ARS §8-872](#), the plea of <enter parent> made by the <enter parent>, as well as the best interests of <Applicable child>, finds by <enter burden of proof> that:

<Applicable child> <was a resident/were residents> of the State of Arizona at the time that the <motion/petition> was filed and, therefore, The Court has jurisdiction.

The <enter parent> <was/were> properly served with notice of these proceedings and <has/have> <enter whether defaulting or admit/no contest>.

- ☐ The Court finds DCS has made reasonable efforts to place siblings together or establish a plan for frequent visitation between siblings unless frequent visitation or ongoing contact between siblings is contrary to the child's safety or well-being.

Guardianship is in the best interest of <Applicable child>.

<Applicable child> <has/have> been adjudicated dependent or all parties have agreed to guardianship prior to the adjudication of dependency.

<Applicable child> <has/have> been in the custody of the prospective guardian for at least nine months. If this is to be waived, state good cause.

DCS has made reasonable efforts to reunify the family but further efforts would be unproductive.

The likelihood of adoption is remote or the termination of the parental rights is not in the best interests of <Applicable child>.

The prospective guardian(s) <is/are> fit and proper.

ICWA: Pursuant to the ICWA standards, The Court determines that:

- ☐ Notice to the parent, Indian custodian, and tribe has been given as required by federal law;
- ☐ A qualified expert has testified in support of guardianship;
- ☐ Active efforts have been made to prevent the breakup of the Indian family but these efforts were unsuccessful;
- ☐ Continued custody by the parent would likely result in serious emotional or physical damage to the child;
- ☐ The placement is in accord with the placement preferences set forth in [25 USC §21-1915](#) or there is good cause to deviate from these preferences due to <State specific factors considered and basis for good cause finding>.

The Court, therefore, orders appointing <enter name(s) of prospective guardian(s)> as Permanent Guardian(s) of <Applicable child> and vesting <Prospective guardian(s)> with all of the rights and responsibilities set forth in [ARS §14-5209](#), relating to the powers and duties of a guardian of a minor, other than those which may be set for the parents herein.

The Court orders that visitation shall be at the discretion of the child's Permanent Guardian(s) unless otherwise set forth in the form of order.

The Court orders that letters of Permanent Guardianship be issued to the Permanent Guardian(s) without restriction. The Permanent Guardian(s) shall immediately notify the Court of any address change and is/are responsible for the costs resulting from their failure to notify the Court.

- ☐ The Court orders that <Name of applicable parent>, <enter parent>, shall pay support to <Prospective Guardian(s)> in the amount of \$<dollar amount> each month.

The Court orders that a Guardianship Review Hearing be held (within twelve months) on <Date, time, place of the hearing> before the Honorable <Applicable judge/commissioner>. The Arizona Department of Child Safety or assignee shall conduct an investigation of the facts and circumstances surrounding the welfare and best interests of the child and shall file a written report with the Court prior to the Guardianship Review Hearing.

The Court orders that the dependency action as to <Applicable child> in the Cause No. <Applicable JD#> be dismissed. The Arizona Department of Child Safety (or other applicable agency) is relieved of all further responsibility in the matter other than its obligation to investigate and file a written report with the Court prior to the Guardianship Review Hearing.

The Court orders that the Foster Care Review Board is relieved of all further responsibilities in this matter.

The Court orders that the Court shall retain jurisdiction of the guardianship to enforce its final order of Permanent Guardianship.

- ☐ The Court provides to the guardian information regarding the Sibling Information Exchange program.

Future Hearings: The Court sets/affirms the following hearings:

- ☐ <enter hearing type> as to <enter parent> is set for <Date, time and location of this hearing>.
- ☐ The Court vacates the <enter hearing type> set for <enter date, time and location of this hearing>.
- ☐ The Court admonishes the <enter parent> that:
- Failure to attend future proceedings may result in proceedings going forward in their absence;
 - Failure to participate in reunification services may result in the establishment of a permanent guardianship.
 - The Court may read to and provide to the parent, guardian or Indian custodian a copy of Form 2. The Court may find on the record that a copy of Form 2 has been signed and returned to the Court.
- ☐ The Court finds that the parent, guardian, or Indian custodian was advised of the consequences of their failure to appear.

Dated: _____

<Judge/Commissioner/Hearing Officer> of the Superior Court